

NEWS AND GOSSIP OF SCREEN AND STAGE

(Continued from page 3, second sec.)

all its rare picturesqueness, is declared to have been faithfully reproduced at Inceville recently for the early scenes of "The Jungle Child," the Triangle drama by Monte M. Katterjohn, in which Thomas H. Ince presents Dorothy Dalton and Howard Hickman as co-stars. The scenes, it is said, are so realistic as to beggar description.

According to William N. Selig, initials will have nothing to do with the new Kleine-Edison-Selig-Bessmay service. "It has been suggested," said Mr. Selig, "that the new releasing agency be known as the 'K-E-S-E.' This will not be the case. Just how the new service will be exploited has not yet been decided upon, but probably the complete names of all the companies concerned will be consistently used." So it would seem that the day of the initials in film and in waning.



Edna Goodrich, Morosco-Pallas star in Paramount Pictures.

Because of her personality, her beauty and her ability to wear clothes Edna Goodrich has been called time and again "Edna the Charming." Her appearance in Paramount Pictures during the past year has added wonderfully to her popularity, first in Lasky productions and later in Morosco-Pallas productions.

Two day coaches were sent crashing together on a spur track in Los Angeles, this week, for some scenes in the current Ince-Triangle play, in which Dorothy Dalton, Edna Markey and Howard Hickman are appearing in a tri-star combination. The collision was staged at night, under the direction of Raymond B. West and was witnessed by scores of curious bystanders, who swarmed about the camera. In all, one hundred and twenty-two persons appeared in the scenes, including the three stars.

New plays are burning on Broadway like corn in a popper. Hursting



Kolb and Dill's enthusiastic following of fans will be delighted with their latest cinema effort. It is a five-act comedy-drama entitled, "Three Pals." All of the wit and humor which characterized their stage successes has been registered by the motion camera. None of their comedy or pathetic appeal has been lost in the transition from stage to screen.

Mrs. May Gray, the leading woman, is a charming heroine.

The plot is different. It does not end in a wedding, but in the righting of wrongs done by the big-hearted comedians.

ROBINSON GRAND

Oct. 5th-Matinee and Night

SELWYN AND COMPANY'S

"FAIR AND WARMER"

Now in its second year in New York. The biggest success in years.

PRICES: Matinee \$1.00, 75c, 50c and 25c
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into life, that is. Up to date five have burst in the sense of "burst." One, the musical play "Yvette," made Broadway a one-night stand. Blanche Ring, captivated comedienne that she is, could not make Broadway and Butterfield a winning combination; "A Little Bit of Fluff" was too flimsy to wear well, even in August; "The Happy Ending," ended disastrously; and "Coat Tails," a farce, whose fun moved and had its being in a sable coat, was overcome by the heat of the dog days. A total of about fifteen survivors have received more or less honorable mention by the critics.

FIND SHUTTERS CLOSED; WOMAN JOINS HUSBAND

For Twenty-two Years after His Death She Kept His Place Set.

PHILADELPHIA, Sept. 23.—"If ever the shutters of my house are closed, call a fireman and climb in the second-story window," said a little old woman of Philadelphia to neighbors several years ago. "Then I will have joined my husband." One morning this week the shutters did not open.

The house was the home of Mrs. Sarah H. Benesole, 80 years old, who, since the death of her husband, twenty-two years ago, had lived alone with memories vitalized by her unflinching enactment of the devotion and the little attentions she had bestowed upon him during their married life. The closed shutters caught the eye of the first early risers. They thought of the aged woman's request, yet none was willing to act. Perhaps she had overslept, they thought. But when the hours passed and the shutters remained closed, a policeman was summoned.

Prophecy Had Come True. He found the aged recluse, a frail, bent figure, dead in her chair. The death, physicians said, was due to the infirmities of old age.

For twenty-two years Mrs. Benesole had maintained her touching devotion to the memory of her husband. He had been a dentist, and his sign on each of the front windows was allowed to remain. Every morning the little old lady polished the glittering letters.

In the front hallway she kept his hat and coat hanging as in other days. The table in the dining room was always set for two. Her husband's favorite chair was drawn to the fireplace of evenings. Thus Mrs. Benesole lived over again the life of the past.

Wanted a Man in the House. Aside from keeping fresh the memory of her husband, the recluse desired to give an impression that there was a man in the house. She had jewelry, which she often showed to the neighbors, and she thought it would be too risky to keep it with her if the belief prevailed that she was all alone.

Neighbors said she was always comfortably situated and some thought she had a considerable fortune. She bought liberally of food, did all her own work, and did it well. Handsome furniture, a survival of her happier days, made the home a treasure house for lovers of the antique. But today the shutters are closed and the dentist's signs have not been polished.

Holland's mines are now producing coal at the rate of about 2,000,000 tons a year.

DECISIONS GIVEN BY HIGH COURT

In Mine Cases Taken to It from the Lower Courts for Final Opinions.

CHARLESTON, Sept. 23.—Nine opinions were handed down by the supreme court of appeals this week—three by Judge L. Judson Williams, two each by Judge George Poffenberger, and Charles W. Lynch, and one each by Judge John W. Mason and William N. Miller.

The syllabi follows:

Mercer, Administrator, against Ott, State Compensation Commission; appeal reversed and remanded; Mason, Judge:

1. Where the statute does not prescribe the form of the application to be used by a dependent applying for compensation from the workmen's compensation fund, but does require the public service commission to adopt "the forms of application of those claiming to be entitled to benefits of compensation therefrom" and such forms are adopted by the commission, and a person claiming to be entitled to compensation out of such fund makes application on one of the forms prescribed by the commission, and the form is not in conflict with the provisions of this act, the commission should not reject the claim, after the time has expired when a new application can be made.

2. A car containing coal belonging to a brick company was placed by a railroad company on a track of the brick company, and a man was employed by the brick company to unload the coal, and while doing so was under the car in discharge of his duty, the car was struck by another car of the railroad company and the car under which the employee was at work was run over the employee and he was thereby injured to such extent that he died of the injuries. Held, that the injuries so sustained were received in the course of and resulted from said employment.

3. Where a workman is killed by an accident arising in the course of and resulting from his employment and a tort-feasor other than his employer is responsible therefore, the right to compensation from the workmen's compensation fund by a dependent of the deceased is not lost by a recovery of damages against the tort-feasor, by the personal representative of the deceased.

Chesapeake and Ohio Railway Company against Public Service Commission. Order Suspended. Williams, President.

1. An order, made by the public service commission, commanding the Chesapeake and Ohio Railway Company to attach its train No. 34, scheduled to leave Huntington daily at 7:45 o'clock a. m., and transport to Charleston on a car, denominated the Wheeling sleeper, carried to Huntington by the Baltimore and Ohio railroad, and to return the same to Huntington on the same day, by means of its train No. 33, scheduled to leave Charleston at 7:15 p. m. o'clock and arrive at Huntington at 9 o'clock p. m., is held to impose an unreasonable and unnecessary burden upon said company, in view of facilities already furnished by its trains, Nos. 33 and 34, and unjust and unfair to the carrier, because of the unnecessary burden imposed upon it and the pecuniary loss incurred by it in performing the extra service.

2. But that performance of the extra service will cause a pecuniary loss to the carrier, is not alone sufficient to prove it to be confiscatory. In order to determine that question petitioner's entire intrastate earnings, from its passenger traffic, must be taken into account.

3. Nor is such order necessarily repugnant to the constitution and statutes of the United States, as imposing an undue burden upon interstate traffic. The states are permitted to make reasonable regulations, affecting interstate carriers, relating to the stopping of trains at populous towns, for the purpose of taking on and letting off passengers and respecting the changing of schedules of trains, so as to connect with trains running on other railroads, for the accommodation of the public.

Bennett against Farmer's Mutual Fire Association; Tyler County; Affirmed; Poffenberger, Judge:

1. If it happens that a rule day of a circuit court occurs on a holiday and the term of the court begins on the next day, the rules extend through such next day by virtue of the postponement or extension provision of chapter 159 of the code, notwithstanding the limitation thereof prescribed in section 1, chapter 125 of the code.

2. If the rule days of a court extend into a term, as in the case above instanced, the office judgment entered thereon does not become final until the last day of the term succeeding the one so invaded by the rules, and it cannot be properly entered as final, in the absence of the defendant, until such succeeding term.

3. "An act establishing and setting apart certain secular days as holidays in the state of West Virginia" is a sufficient title for the whole of an act setting apart and establishing such days and providing "That when the return day of the court summons or other court proceedings or any notice or time fixed for holding any court or doing any official act shall fall on either of said holidays, the ensuing secular day shall be taken as meant and intended"; the postponement or

extension provision being a mere subsidiary or auxiliary object.

4. As regards the acts specified in such provision, holidays are, in a certain sense, extended judicial days.

Ex Parte Philip Gilbert; McDowell County; Prisoner Remanded; Poffenberger, Judge:

A statute covering the whole subject of an earlier one or the whole of some branch of the common law, not purporting merely to amend such statute or modify such law, and plainly showing it was intended to be a substitute therefor, works a repeal thereof by implication.

2. The sections of chapter 59 of the code, relating to the jurisdiction of justices of the peace in criminal cases, deal fully and comprehensively with that subject and are construed and interpreted as having been intended by the legislature to constitute the exclusive rule and law defining such jurisdiction and prescribing the mode of exercise thereof, and to be a substitute for all former statutory or common law pertaining to that subject.

3. No provision having been made in such sections for allowance of a new trial to a defendant in a criminal case, a justice has no jurisdiction to set aside a judgment of conviction of a misdemeanor, rendered by him in a case of which he has jurisdiction, and grant a new trial, at the instance of the defendant.

4. The constitution of the state guarantees to the accused an appeal from a judgment of a justice, in a criminal case, as a matter of right, but not a new trial for error in the exercise of the justice's jurisdiction.

5. When in an action in detinue a justice of the peace arbitrarily and fraudulently and in total disregard of the evidence adjudges an alternative value of the property sued for to be less than fifteen dollars necessary to confer jurisdiction by appeal upon the circuit court, and on request refuses to award defendant an appeal within ten days from the date of the judgment, good cause is thereby shown for the award of an appeal by the circuit judge thereof in vacation within ninety days.

6. In such an action the value of the property is the criterion by which the jurisdiction of the appellate court is to be determined, irrespective of such arbitrary or fraudulent findings of the justice. The judgment of the justice is only prima facie evidence of the jurisdictional fact, and may be impeached or contradicted.

7. The case of Lee v. Moss, Judge, 68, West Virginia, 664, distinguished from this case.

Hissam against Moorehead, et al; Tyler County; Dismissed as Improvidently awarded; Williams, President:

An order refusing to entertain and decide a motion to dissolve an injunction, on the sole ground that the movant is under the ban of contempt, and has not purged himself thereof, is not an order refusing to dissolve an injunction, within the meaning of section 1, chapter 135, code, and is, therefore, not appealable.

Brown against County Court; Preston County; Decree Reversed; Demurrer to Bill Overruled, Cause Remanded; Lynch, Judge:

1. The county court is without authority to substitute one type of road construction material not authorized by an election held pursuant to section 5, chapter 8, acts second extra session, 1915 (Barnes Code, 1915, chapter 43, section 56225a), for another type of material expressly submitted to the qualified voters of the district affected, and approved by them at an election held and conducted therein, under said statute, for that purpose.

2. When at an election so held and conducted the voters authorize a bond issue for the improvement of a road between certain designated points connected by two roads virtually of the same general character and length, neither of them being specifically mentioned in the petition or order of submission, the county court is vested with ample authority to determine which road it will undertake to improve by the expenditure of the proceeds of such authorized bond issue.

3. When two statutes of different dates purport to cover the whole of the same subject matter, the later one, when plainly showing it was intended to have that effect, works a repeal of the other by implication, and becomes a substitute therefor, although it does not purport to amend and repeal the prior statute but repeals all acts inconsistent therewith.

State against Hurley; Marshall County; Judgment Affirmed; Lynch, Judge:

1. The form of indictment prescribed by section 3, chapter 32a, code, is valid and constitutional.

2. In a criminal case, a motion by defendant for a bill of particulars must be accompanied by an affidavit specifically showing the grounds and reasons therefor.

3. An erroneous instruction, improperly given over objection timely made, on an issue not involved and hence not pertaining to the merits of the case, and without evidence to support it, is not prejudicial, warranting reversal, if upon the facts and circumstances proved and not denied or explained a verdict of guilty as charged in the indictment is the only one which could properly have been rendered thereon.

GIDEONS WILL PUT BIBLES IN ELKINS HOTELS

Will Meet This Afternoon to Make Arrangements for the Distribution.

ELKINS, Sept. 23.—The local band of Gideons has succeeded through private subscriptions in raising sufficient money with which to purchase a Bible to be placed in each room in all the hotels of Elkins. A meeting of the members of the band will be held tomorrow afternoon in the Young Men's Christian Association to make arrangements for the distribution of the Bibles, which are attractive in appearance, durable and neatly printed.

Attend Parsons Fair.

Three hundred men and women went to Parsons by special train Thursday afternoon to attend the Parsons fair. The train was arranged for by a local organization of boosters, known as the "Yellow Dogs," which paraded through the streets of the city on arriving there, and initiated a number of new members into the mystic of the order. Parsons will reciprocate during the Elkins festival and fair October 4, 5 and 6 by running a special train from that town.

Home Wedding.

J. Forrest Potts, son of the Rev. and Mrs. L. G. Potts, and Miss Mabel Cunningham, daughter of Mr. and Mrs. George W. Cunningham, were married Wednesday afternoon at 1:45 o'clock at the home of the bride's parents by the Rev. R. Cary Montague, pastor of the Episcopal church. Mr. Potts has been for several years an employee of the Western Maryland railway and his bride has been a successful teacher in the Elkins public schools. Mr. and Mrs. Potts left immediately for a trip to Boston, New York, Philadelphia and other cities in the East. On their return home they will reside at "Wildwood Farm," east of Elkins. Among the guests present were Mr. and Mrs. W. V. Potts of Ocala, Fla.; Mr. and Mrs. Delma Cunningham, of Evenwood; Mr. and Mrs. M. J. Piers, the Rev. and Mrs. L. G. Potts, Mr. and Mrs. Irving Talbot and Miss Ocie Mouse, of Elkins.

Go to California.

Walter E. Knapp, son of Mr. and Mrs. J. M. Knapp, of Elkins, who was married to Miss Esther Heller, of Fair River, Mass., on August 30, and with his bride has been spending their honeymoon here, has gone to Reno, Nev., where he will pitch several ball games before going to Bakersfield, Calif., their future home. Mr. Knapp has been a very successful minor league pitcher for a number of years.

Pioneer Resident Dead.

"Uncle Jim" Summons, one of the oldest residents of Horton and one of the first settlers of that town, died suddenly while helping two of his little grandsons dig potatoes. He was a native of Preston county.

Parsonage Wedding.

Clarence A. Rinehart, of Adolph, and Miss Ada Rayburn, of Montrose, were married Monday at the Presbyterian manse by the Rev. Frederick H. Barron, D. D.

Painfully Injured.

In order to prevent a head-on collision with a big touring car Tuesday, S. E. Tiffany, local superintendent of the West Virginia Central Gas Company, ditched his Ford roadster and it into a telephone pole. Charles G. Davis, another employee of the company, who occupied the car with Mr. Tiffany, was thrown violently against the pole and painfully injured.

Personals.

Mrs. A. E. King and son, John Ernest, left Thursday for a motor trip to Culpeper, Va., making the trip in the Saxon roadster.

Miss Julia Markle, of Charles Town, has accepted a position as superintendent of nurses at the Elkins city hospital. Miss Markle is a graduate of the Allegheny Heights hospital, Davis, W. Va.

Mr. and Mrs. Thomas Donohue motored to Parsons Thursday.

Mr. and Mrs. O. E. Armentrout, of Pittsburg, who have been visiting relatives at Horton, were in the city this week, en route home.

Mr. W. C. Galtner, son and three daughters, of Weston, have returned home, after a visit with M. L. Galnor and other relatives here.

Mrs. Dr. Aiken, of Carlisle, Pa., has returned home, after a visit with her mother, Mrs. L. D. Strader at Beverly.

Mrs. George Lewis, of Tuscon, Ariz., has moved to this city, where she will make her future home.

Miss Nello Kelm has returned from a visit of two months in Elk Lick, Pa.

Mr. and Mrs. C. H. Saffel and children have returned from a visit at Cassity.

Mr. and Mrs. W. T. Rucker have returned to their home in Glasgow, Va., after a visit with Mrs. Rucker's parents, Mr. and Mrs. S. Armentrout.

Mrs. Russel Nash, of Charleston; Miss Lucy Ward, and Mrs. Forrest Hutton, of Huttonsville, were Elkins visitors this week.

Mr. and Mrs. W. T. Jones, of Elk Garden, have returned home after a visit with their daughter, Miss Viva Jones.

Mrs. F. E. Sapp and children, of Morgantown, have been visiting at the home of Mr. and Mrs. J. B. Bischoff.

Mr. and Mrs. Bruce Yokum, of Beverly, motored to Clarksburg during the week.

Mr. and Mrs. Ray Cost, of Keyser, are in the city, guests of Mr. Cost's mother.

Mrs. J. R. Chandless and son, James, of Baltimore, have returned home after spending several weeks with Elkins friends.

Miss Florence Chaffey has gone to select a butcher knife from a table and waved it at the officers. Policeman Frachrich drew his revolver and threatened to shoot Kayanie if he did not disarm. The command was obeyed and Kayanie was locked up in the Second precinct police station on a charge of cutting to wound his wife.

Clarksburg, Thur. Sept. 28

On the Old Baseball Ground, Union Park
TWO COMPLETE PERFORMANCES
Afternoon 2:15; Night 8:15.

MILLER & ARLINGTON WILDWEST SHOW CO. INC.

"BUFFALO BILL" (HIMSELF)

THE MILITARY PAGEANT
"PREPAREDNESS"
AND THE 101 RANCH SHOWS COMBINED

750 PEOPLE AND HORSES
U.S. CAVALRY & FIELD ARTILLERY
CHEYENNE CHAMPION COWBOYS & COW GIRLS
SIBERIAN Cossacks
ARAB HORSEMEN
JAPANESE CAVALRY
CHIEFS OF THE 7 INDIAN TRIBES LED BY IRON TAIL

BIG MILITARY AND WILD WEST PARADE, 10:30
Downtown Ticket Office show day at the Wells-Haymaker Co.'s City Drug Store, 316 Main Street. Prices same as at the regular ticket wagons.
U. S. ARMY RECRUITING TENT ON GROUNDS SHOW DAY

Down town Ticket Office show day at the Wells-Haymaker Co.'s City Drug Store, 316 Main Street. Prices same as at the regular ticket wagons.

U. S. ARMY RECRUITING TENT ON GROUNDS SHOW DAY

FOREST NOTES

One ton of coniferous wood waste will produce from fifteen to twenty-five gallons of 190-proof alcohol.

The farm woodlots of the United States contain about ten per cent of the total standing timber in the country.

Grazing experts of the forest service estimate that the cost of producing lambs in the northwestern states is \$1.82 per head.

The bark of black oak, or "yellow oak" as it is often called on account of the color of the inner bark, is now used for dye-making.

Portland, Me., where she will spend some time with friends.

Miss Mabel Piper has returned from Cumberland, Md., where she spent her vacation with relatives.

Attorney E. D. Talbot has returned from Fairmont.

Mr. and Mrs. Paul Irons, Miss Isabel Chaffey and Miss Elizabeth Cuddy motored to Clarksburg this week.

RAGTIME

Music Helps Typists Attain Perfection in Their Art, Says a Woman.

PULLMAN, Wash., Sept. 23.—The teaching of typewriting to ragtime music will be the innovation introduced this year at the Pullman high school by Miss Gertrude Malletto, in charge of the commercial department. A phonograph has been installed for the purpose and records suitable to the occasion will be played while the students are mastering the typewriter. In explanation of the movement Miss Malletto said:

"There is nothing new in the basic idea of working to music. The United States navy has for years coaled ships with the band playing, and there are a thousand and one other connections in which the value of rhythm has been demonstrated.

"Our purpose in using the phonograph is, first of all, to induce an easy movement of the wrist and hand; after that to secure a light touch, and finally, to assist the student in achieving that degree of speed without which typing is useless. Eastern commercial schools have been using the phonograph in the typewriting room for some time, and the value of the method has been demonstrated beyond any possibility of doubt."

STRAY DOG KILLS SNAKE; SAVES VALUABLE COLLIE

STAMFORD, Conn., Sept. 23.—A valuable collie belonging to Eugene Miller, of Stamford, got into a fight with a large blacksnake, which was fast getting the better of the dog when Mr. Miller arrived, followed by a stray mongrel. This dog immediately attacked the snake and killed it, thereby winning a place in the Miller kennel.

ROBINSON GRAND
THURSDAY AFTERNOON AND EVENING
MAT. AT 3:00. EVE., 8:15

LYMAN H. HOWE'S
TRAVEL FESTIVAL

HAWAII
SPAIN
NORWAY

PREPAREDNESS
WEST POINT
MANY OTHERS

PRICES:
Matinee, Children 15c
Adults 25c
Night 15c, 25c, 35c, 50c

MAN HANGS HIMSELF ON GRAVE OF WIFE

PHILADELPHIA, Pa., Sept. 23.—Four years ago Michael Streb, 76, knelt beside the body of his wife and prayed—that he might join her in death. Patiently he waited for the grim answer to his prayer.

Wednesday the caretaker of Northwood cemetery passed a little grave in a remote corner. At its head was a birch tree and dangling from a limb was the limp body of a white-haired man. The headstone of the grave bore the inscription, "My Wife." When morgue officials searched the pockets of the dead man they found nothing but a wedding ring inscribed "Rachael Streb."

Death had been too tardy and Michael Streb had gone along the road to meet it—at the grave of his wife.

SLASHES WIFE AND FLEES; FIGHTS PURSUING POLICE

CLEVELAND, O., Sept. 23.—When his efforts to effect a reconciliation with his wife failed, Michael Kayanie went on a rampage which landed him in jail and his wife, Viola, 40, in St. Clair hospital.

A quarrel a few days ago resulted in their separation. Mrs. Kayanie went to live with friends. Kayanie called and when she refused to listen to his promises, police say, Kayanie slashed her four times with a knife.

He then dashed from the house and was pursued over fifteen city blocks to the home of Matthew Levak.

Policemen Albert Faehrich and Henry Groben followed Kayanie into the house. Members of the family, startled by the boisterous and unexpected entrance, took refuge in the upper part of the house.

On sight of the policemen, Kayanie